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## Military Rule, Protectoral Government and the Scottish Highlands, c.1654-1660

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## **Military Rule, Protectoral Government and the Scottish Highlands, c.1654-1660**

The Cromwellian period has always presented historians with something of a conceptual challenge. As the only stretch of republican governance in British History, its place in the national story has often seemed unclear, not least because, thanks to the Restoration of the monarchy in 1660, it was vulnerable to the charge of being an historical cul-de-sac. On top of that, the view, prevailing for much of the mid- to late-twentieth century, although now vigorously challenged, that the 1650s was a decade of grim, reactionary conservatism, especially after the establishment of the Protectorate in 1653, tended to discourage investigation, and much of the interest that did emerge was directed towards the figure of Oliver Cromwell, rather than to the wider state and society over which he presided.<sup>1</sup> While this neglect has certainly changed more recently,<sup>2</sup> the 1650s still remain from a Scottish perspective a veritable *terra incognita*, with a notably under-developed literature reflecting an historical tendency within Scottish thought to downplay the long-term significance of the Interregnum and deny it a particularly significant legacy north of the border.<sup>3</sup> Admittedly, recent work has greatly improved knowledge about religious developments under republican rule,<sup>4</sup> and we have also had some welcome research into

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<sup>1</sup> R. Hutton, *The British Republic 1649-1660* (Basingstoke and London, 2000), ix; B. Coward, 'Introduction' in P. Little (ed.), *The Cromwellian Protectorate* (Woodbridge, 2007), 1-13, 1-2.

<sup>2</sup> See the coverage of the 1650s in M.J. Braddick (ed.), *The Oxford Handbook of the English Revolution* (Oxford, 2015) for an introduction to the more nuanced recent historiography.

<sup>3</sup> L.A.M. Stewart, 'Cromwell and the Scots' in J.A. Mills (ed.), *Cromwell's Legacy* (Manchester, 2012), 171-90.

<sup>4</sup> See, for example, J. Buckroyd, 'Lord Broghill and the Scottish Church, 1655-1656, *Journal of Ecclesiastical History*, 27:4 (1976), 359-68; K.D. Holfelder, 'Factionalism in the Kirk during the Cromwellian Invasion and Occupation of Scotland, 1650 to 1660: The Protester-Resolutioner Controversy' (University of Edinburgh, PhD thesis, 1998); K.M. MacKenzie, 'Loyalty to King or Covenant Retained: Presbyterians in the Three Nations and the English Commonwealth, 1649-1653' in S. Alcobia-Murphy (ed.), *Beyond the Anchoring Grounds: More Cross-Currents in Irish and Scottish Studies* (Belfast, 2005), 168-76; R.S. Spurlock, *Cromwell and Scotland: Conquest and Religion 1650-1660* (Edinburgh, 2007); K.M. MacKenzie, 'Oliver Cromwell and the Solemn League and Covenant of the Three Kingdoms' in P. Little (ed.), *Oliver Cromwell: New Perspectives* (Basingstoke, 2009), 142-67; C.R. Langley, *Worship, Civil War and Community, 1638-1660* (London,

Scottish involvement in the Protectorate Parliaments<sup>5</sup> and the experience of the burghs,<sup>6</sup> but the generally parenthetical approach to the period means that, in other respects, our understanding is limited, in many ways having evolved little since the publication in 1979 of Frances Dow's path-finding study, albeit other unpublished work, notably by Lesley Smith and David Menarry, has shed some light on the republican regime's judicial system, as well as its reliance on the support of both kirk sessions and landholders.<sup>7</sup> Instead, broad generalisations tend to predominate, with the common theme being a view of Scotland in the 1650s as a military regime.<sup>8</sup>

The militarised nature of the republican regime in Scotland is of course incontestable, but such a characterisation only reveals so much. Military regimes are much more conceptually slippery than might be supposed, not least because they can take various forms. Perhaps more significantly, the intuitive assumption that military governments rule by armed oppression has been questioned by both theoretical and empirical analysis. Factors such as limited political expertise, institutional under-development, mistrust of the military hierarchy, and simple unwillingness (on the part of both officers and common soldiers) to deploy violence against the public in fact often leads military regimes to govern by consensus and in co-operation with civilian actors.<sup>9</sup> The importance of these nuances in properly understanding Cromwellian Britain is well understood, and has also been pointed out in a specifically Scottish context, not least given the shift towards a more co-operative, consensus-building approach heralded by the service in 1655-6 of Roger Boyle, lord Broghill, as president of the

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2015); K.M MacKenzie, *The Solemn League and Covenant and the Cromwellian Union 1643-1663* (London, 2017).

<sup>5</sup> D. Smith and P. Little, *Parliaments and Politics during the Cromwellian Protectorate* (Cambridge, 2007), especially 267-93; P. Little, 'Scottish Representation in the Protectorate Parliaments: The Case of the Shires', *Parliamentary History* 31:3 (2012), 313-31.

<sup>6</sup> S. Gillanders, 'The Scottish Burghs during the Cromwellian Occupation, 1651-1600' (University of Edinburgh, PhD thesis, 1999)

<sup>7</sup> F. Dow, *Cromwellian Scotland* (Edinburgh, 1979); L.M. Smith, 'Scotland and Cromwell: A Study in Early Modern Government' (University of Oxford, DPhil thesis, 1979); D.J. Menarry, 'The Irish and Scottish Landed Elites from Regicide to Restoration' (University of Aberdeen, PhD thesis, 2001)

<sup>8</sup> K.M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (Basingstoke and London, 1992), 135-40.

<sup>9</sup> B. Geddes, E. Frantz and J.G. Wright, 'Military Rule', *Annual Review of Political Science*, 17 (2014), 147-62.

Scottish Council.<sup>10</sup> It is therefore clear that simply stressing the militarised nature of the republican administration in Scotland tells us very little about its actual workings, or about how it compared to *ante bellum* norms.

Building upon the foundational work of scholars like Dow, Smith and Patrick Little, this article seeks to explore these issues through detailed study of Cromwellian policy towards the Highlands, conventionally the most troublesome Scottish periphery and also the part of Scotland most comprehensively exposed to republican militarism. The Highland dimension has already been refreshingly explored by Danielle McCormack, who emphasises the impact of Cromwellian policies to tackle ‘lawlessness’ on the dynamics of Highland clanship.<sup>11</sup> While McCormack’s primary interest is in the ‘blow back’ of republican governance on Highland society, this article focuses much more closely on governing structures themselves. Concentrating on the period after the defeat of Glencairn’s rising (1653-4), the article begins by examining English conceptions of the ‘Highland problem’, allaying this to a delineation of Protectoral aims in the Highlands. It then moves on to analyse the various tactics utilised for achieving these ends, highlighting a careful fusion of coercive and cooperative approaches which, while innovative in its details, was conceptually indebted to the strategy pioneered by earlier Scottish governments, and which, moreover, formed a bridge between the pre-1651 and post-1660 periods. The article does not attempt to reconstruct Cromwellian-era governance in its totality, and several aspects crucial for this wider understanding, such as the role of the Church or the administration of justice, are not discussed.<sup>12</sup> Nor does the article purport to reveal in detail how Highlanders responded to the English regime. Rather, in exploring the details of English policy and civic governance, the article hopes to illuminate what the English wanted to achieve in Highland Scotland, and

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<sup>10</sup> A. Woolrych, ‘The Cromwellian Protectorate: A Military Dictatorship’, *History*, 75:244 (1990), 207-31; P. Little, *Lord Broghill and the Cromwellian Union with Ireland and Scotland* (Woodbridge, 2004), 91-123; D. Hirst, ‘Security and Reform in England’s Other Nations, 1649-1658’ in Braddick, *Oxford Handbook of the English Revolution*, 170-85, at 176-80.

<sup>11</sup> D. McCormack, ‘Highland Lawlessness and the Cromwellian Regime’ in S. Adams and J. Goodare (eds.), *Scotland in the Age of Two Revolutions* (Woodbridge, 2016), 115-34.

<sup>12</sup> For this wider perspective, see Dow, *Cromwellian Scotland*; Spurlock, *Cromwell and Scotland*; L.M. Smith ‘Sackcloth for the Sinner or Punishment for the Crime? Church and Secular Courts in Cromwellian Scotland’ in J. Dwyer, R.A. Mason and A. Murdoch (eds.), *New Perspectives on the Politics and Culture of Early Modern Scotland* (Edinburgh, 1982), 116-32.

what approaches they deployed as a result.<sup>13</sup> This, in turn, offers comparative and theoretical insights. The cautious, often surprisingly consensual approach taken by the Protectoral regime in the Highlands underlines the fundamental brittleness of military rule as a governing model, and suggests that the ongoing centrality of civil society in such regimes cannot be overlooked.

### **Conceptualising the Highlands**

By the mid-seventeenth-century, Lowland Scottish commentators had developed a dense patchwork of prejudices about their Highland countrymen, adding up to a distinct, if fluid and malleable, conceptualisation of Highlanders as an internal ‘other’. A number of repeating tropes were central to this idea, most prominently physical isolation, ethnic distinctiveness (in other words, Irishness), particular social structures (clanship), weak or irregular religiosity, and inveterate lawlessness, and these were often presented using imagery of animalism or barbarity.<sup>14</sup> While such ideas had certainly percolated into English consciousness prior to the 1650s, it was only in this decade that the English first came into sustained contact with the Highlands and the ‘Highland problem’. Their impression of the region shared much with the received Scottish view. One anonymous newsletter, reporting in August 1652 on English military movements in the Highlands, managed in a few brief lines to reference several of these established stereotypes:

I doubt whether wee will or no these things are in order to War with these base and beggerly wild beasts, which we would willingly have avoyded for many weighty reasons, especially their poverty and unaccessiblenesse of every passe and place, where each hill, whereof the Country totally consists, is not lesse [than] an invincible Garrison. I doubt the treachery of the Highlanders herein hath been as much designed

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<sup>13</sup> For a slightly broader perspective, emphasising the multifaceted ways in which the Commonwealth sought to develop ‘civility’ in the Highlands, is A. Kennedy, ‘Civility, Order and the Highlands in Cromwellian Britain’, *Innes Review*, 69:1 (2018), 49-69.

<sup>14</sup> M. MacGregor, ‘Gaelic Barbarity and Scottish Identity in the Later Middle Ages’ in D. Broun and M. MacGregor, *Mìorun Mòr nan Gall, ‘The Great Ill-Will of the Lowlander’? Lowland Perceptions of the Highlands, Medieval and Modern* (Glasgow, 2009), 5-48; J. Dawson, ‘The Gaidhealtachd and the Emergence of the Scottish Highlands’ in B. Bradshaw and P. Roberts (eds.), *British Consciousness and Identity: The Making of Britain, 1533-1707* (Cambridge, 1998), 259-300.

by the Clergy as by their own Clans; God will in his good time reward their works and wayes.<sup>15</sup>

Ideas like these were very much to the fore until around 1654, being particularly prominent in the English press as part of the propaganda campaign against Glencairn's rising.<sup>16</sup> Nonetheless, lacking the long history of animosity that marked Lowland attitudes towards Highlanders, some Englishmen were capable of offering rather more charitable assessments. For Major John Hill, writing in 1656 and presaging a theme to which he would return as governor of Fort William in the 1690s, it was perfectly possible for Highlanders, with a little guidance, to 'contend for civilitie with the Lowlands'.<sup>17</sup> In a letter the following year, George Monck, the commander-in-chief in Scotland, agreed, fulsomely praising Highlanders (and by implication, of course, his own success in pacifying them) as 'pretty firme to his highnesse', 'very punctuall in observing any order' and 'more peaceable than those in the low lands'.<sup>18</sup>

Moreover, when markers of incivility were identified, the Protectoral authorities tended to trace their roots not to cultural 'otherness', but to regional under-development. Lieutenant-Colonel Robert Blunt opined in 1653 that any tendency towards rebelliousness or lawlessness among the 'wilde people' of the Highlands could likely be explained by their experiences of 'Famine and necessitie', which could encourage them to 'act as mad men which runne their heads vpon hard Rockes'.<sup>19</sup> For the Puritan Richard Baxter, the problem was the lack of 'a fixed Ministry', which made it impossible for Highlanders to develop proper Christian habits and behaviours.<sup>20</sup> The most frequently-cited factor, however, was weak governance, an idea given robust expression in the instructions presented to the incoming governor of Inverlochy, Colonel William Brayne, in June 1655:

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<sup>15</sup> C.H. Firth (ed.), *Scotland and the Commonwealth: Letters and Papers Relating to the Military Government of Scotland, from August 1651 to December 1653* (Edinburgh, 1895) [S&C], 366-7.

<sup>16</sup> K.M. MacKenzie, 'The Conundrum of Marginality: *Mercurius Politicus*, Order and the Politics of Glencairn's Rising', *Journal of Irish and Scottish Studies*, 6:2 (2013), 93-113, at 101-6.

<sup>17</sup> C.H. Firth (ed.), *Scotland and the Protectorate: Letters and Papers Relating to the Military Government of Scotland, from January 1654 to June 1659* (Edinburgh, 1899) [S&P], 321.

<sup>18</sup> T. Birch (ed.), *A Collection of the State Papers of John Thurloe, Esq;*, 7 vols (London, 1742) [TSP], vi, 52-3.

<sup>19</sup> National Records of Scotland [NRS], High Court: Civil War and Protectorate Papers, JC38/11, Robert Blunt to the Commissioners for the Administration of Justice, 4 September 1653.

<sup>20</sup> Richard Baxter, *Five disputations of church-government and worship* (London, 1659), 278.

Those parts of the Highlands adjacent to the Guarrison of Inverlochy are farr remote from any Court of Judicature either civill or criminall and the inhabitants soe barbarous that publicque Justice can not bee executed there which hath been the cause that the people thereof have infested a great part of this Nation with their frequent murders and robberies which they come openly by force of armes justifying the same as lawful (they never having as yet been subject to the law of Scotland otherwise then as they were compelled by armes).<sup>21</sup>

What all this reflected was an official view of Highlanders which, while acknowledging and to some extent sharing the established language of otherness and barbarity, tended to view the 'Highland problem' fundamentally as a matter of security. Highlanders were troublesome, in other words, largely because they were not properly governed or supervised. In this sense, the image of the Highlander fitted within a more general English discourse, since the concepts of beggarliness, wildness and lack of proper government, but not incivility, were also freely applied to the Scots as a whole.<sup>22</sup> Highlanders simply offered more extreme manifestations of these national failings.

This limited conception of the 'Highland problem' bred correspondingly modest aims with regard to Highland governance. In 1652, the House of Commons, in asking the Council of State to deliberate on 'what is fit to be done in relation to the Highlands', stressed that its concern was the 'Security of this Commonwealth'.<sup>23</sup> This privileging of state security, sharpened by fears that the Highlands might provide a back-door for enemy incursions during the First Anglo-Dutch War (1652-4), was complemented by a desire to promote internal peace as far as possible. Thus, when Colonel William Daniel was ordered to arbitrate a dispute between the MacNabs and the MacGregors in September 1656, he was reminded guilelessly that this would be 'a worke of Charitie, and [would] prevent the spilling of some blood'.<sup>24</sup> What these objectives boiled down to was peace and quiet, and little else; there was

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<sup>21</sup> Worcester College Library [WCL], Clarke Mss, XLVII, Abstracts of warrants, orders and passes, 1655-6, no pagination, Instructions to William Brayne, 6 June 1655.

<sup>22</sup> Coward, *Cromwellian Protectorate*, 139-45.

<sup>23</sup> *The Journal of the House of Commons: Volume 7, 1651-1660* (London, 1802), 111.

<sup>24</sup> WCL, Clarke Mss, XLVIII, Abstracts of warrants, orders and passes, 1656-8, no pagination, Monck to Daniel, 19 September 1656.

scant evidence of the kind of broader, more transformative programme championed under James VI, or the Commonwealth's own rhetoric of English-style Protestant evangelicalism in Ireland and Lowland Scotland.<sup>25</sup> There was, admittedly, an underlying impulse to 'improve' the Highlands, in line with the wider republican attachment to godly reformation across Britain, and which found occasional policy expression; in 1658, for instance, Cromwell proposed to use the settlement of ministers and schools as a means of propagating civility.<sup>26</sup> But such initiatives were invariably framed as part of the overarching drive for security; a more 'civil' Highlands, as we have seen Monck suggesting in 1657, was *ipso facto* more controllable. Moreover, Protectoral aims contracted still further during the tumultuous dying months of the Interregnum. Thus, when in June 1659 the gentlemen of Stirlingshire were urged to settle outstanding debts due to one Lieutenant-Colonel MacGregor, who had previously been commissioned to maintain an armed watch in the shire, they were informed that 'payment of itt may engage him to live peaceable'.<sup>27</sup> This apparent capitulation to blackmail reflected a clearly disengaging regime, but it also spoke to the more fundamental fact that, for the Protectorate, the overriding goals in the Highlands were order and security.

## Garrisons

The most significant tool available to the Protectoral regime for pursuing its governmental goals in the Highlands was the army. Following the English conquest in 1651-2, Scotland was throughout the 1650s an occupied country, and the Highlands, not least because of their perceived wildness and association with Glencairn's rising, were particularly densely garrisoned, although the size and shape of the military establishment shifted over time. In 1653, a permanent stronghold at Inverness was complemented by smaller or temporary garrisons at Ruthven, Braemar, Blair Atholl, Dunkeld, Brodick, Dunolly and Dunstaffnage.<sup>28</sup> At its greatest extent, reached around 1655-6, the military establishment officially consisted of two major fortifications, with Inverness having been joined by Inverlochy, while a range of

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<sup>25</sup> J. Goodare, *The Government of Scotland 1560-1625* (Oxford, 2004), chapter 10.

<sup>26</sup> The National Archives, State Papers Domestic: Commonwealth, SP25/78, 557-8, 589-90; Kennedy, 'Civility. Order and the Highlands'; C. Durston, *Cromwell's Major-Generals: Godly Government during the English Revolution* (Manchester, 2001); Coward, *Cromwellian Protectorate*, 139-58.

<sup>27</sup> WCL, Clarke Mss, XLIX, Abstracts of warrants, passes and orders, 1658-65, 63r, Monck to Reade, 11 June 1659.

<sup>28</sup> S&C, 114-19.



smaller garrisons were maintained at Balloch, Blair Atholl, Braemar, Buchanan, Castle Sinclair, Cromarty, Drummond, Duart, Dunstaffnage, Finlarig, Ruthven, Tain and Weems.<sup>29</sup> All this was occasionally supplemented by other sites garrisoned temporarily or for specific purposes, with such petty garrisons including, at various times, Brahan, Lovat, Farnaway, Burgie, Spynie, Craighouse, Helmsdale, Skibo, Redcastle, Bellachastle, Ballindalloch, Ardkinglass and Inveraray.<sup>30</sup> In terms of manpower, it was estimated towards the end of 1656 that the Highland garrisons housed 2,214 men, with around 70% of this complement being billeted at either Inverness (681 men) or Inverlochy (840 men). That represented around 55% of the resident army's strength in Scotland.<sup>31</sup>

The substantial and sustained military presence provided by these garrisons proved a formidable tool of control, most fundamentally in terms of promoting security. For Monck, writing in 1654 during his campaign to suppress Glencairn's rising, maintaining garrisons was vital for overawing potential rebels, and also for conducting operations such as the one entrusted to Captain Roger Jones, governor of Braemar, in November of that year; he was ordered to burn the homes and confiscate the goods of the 'diverse of the Inhabitants of the Highlands' who supported or colluded with the rebels.<sup>32</sup> The garrisons, however, could be used to promote peace and order in ways other than attacking rebels. At the most visceral level, they were a looming menace that could help keep unruly elements in line – the governors of Perth, for example, had standing instructions that, if the MacGregors or the Camerons, the two most notorious clans in the southern Highlands, did not prove satisfactorily obedience, 'the Generall would haue him send a considerable partie to destroy their Country'.<sup>33</sup> Alternatively, the garrisons might attempt to stifle opposition or criticism; some of Inverness's soldiers, for instance, seem to have been involved in preventing the clergy of Caithness from gathering in presbytery or synod meetings until they promised in

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<sup>29</sup> M.A.E. Green (ed.), *Calendar of State Papers, Domestic Series, of the Commonwealth*, 13 vols (London, 1875-85) [CSPD], viii, 251; WCL, Clarke Mss, XLIII, Money warrants, 1654-9, 49v-50r, 55r-57r, 66r and 67v-69r.

<sup>30</sup> WCL, Clarke XLVII, Monck to Argyll, 17 July 1655; WCL, Clarke XLVIII, Warrant to Auditor General, 24 June 1658.

<sup>31</sup> WCL, Clarke XLIII, 79r-81r.

<sup>32</sup> *S&P*, 143-4; WCL, Clarke Mss, XLVI, Abstracts of warrants, orders and passes, 1654-5, no pagination, Order to Captain Jones, 1 November 1654.

<sup>33</sup> WCL, Clarke XLVII, Monck to Daniel, 18 July 1655.

mid-1655 not to speak against the Commonwealth.<sup>34</sup> More prosaically, the garrisons could help root out disorderly or criminal elements. In 1658, for example, George Bateman, commander of the Castle Sinclair garrison, received instructions to apprehend John Sinclair, a suspected rebel reported to be roaming Caithness with a band of sixteen men, an order issued a few months after the governors of Ruthven and Braemar were commissioned to apprehend another suspected robber, John Baxter, in Glen Isla.<sup>35</sup> Rather differently, but equally suggestive of the garrisons' willingness to tackle disorder, Robert Blunt was directed in 1655 to use the nearby soldiers to do 'all lawfull favour' to James Murray, 2nd earl of Tullibardine, whose woods on Speyside had been illegally occupied by the Grants.<sup>36</sup> For the communities hosting them, the garrisons might even come to be seen as valued guarantors against attack or invasion. This was particularly clear in the case of Inverness, whose large, fortified citadel was eventually much valued by the Town Council for the protection it afforded against marauding Highlanders. Its removal after the Restoration elicited vocal anxiety about the town's vulnerability, 'lyand in the mouth of the hylands quhiar thair ar many disaffected personis'.<sup>37</sup>

As part of their focus on security, garrison commanders tended to be entrusted with gathering and transmitting information. In 1656, for example, the governor of Blair Atholl, Francis Aldersey, was asked to gather evidence to assist in the trial of two thieves he had recently dispatched to Edinburgh.<sup>38</sup> Comparable intelligence-gathering was performed by Joseph Witter, Dunstaffnage's governor, the following year, when he reported on the activities of Archibald Campbell, marquis of Argyll, specifically several mysterious meetings the latter had had with local clans and ministers, as well as information about a family dispute that was inhibiting Clan MacLean from paying their public dues.<sup>39</sup> Garrison commanders were able to perform duties like these because of their sustained and intimate familiarity with

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<sup>34</sup> *Ibid.*, Monck to Blunt, 14 July 1655.

<sup>35</sup> WCL, Clarke XLIX, 8r, Monck to Bateman, 4 October 1658; *Ibid.*, 68r, Monck to Hallin and the governors, 7 July 1658.

<sup>36</sup> WCL, Clarke XLVII, Monck to Blunt, 30 July 1655.

<sup>37</sup> W. Mackay, H.C. Boyd and G.S. Lang (eds.), *Records of Inverness*, 2 vols (Aberdeen, 1911–24), ii, 211; James Fraser, *Chronicles of the Frasers* ed. W. Fraser (Edinburgh, 1905), 447; A. Kennedy, 'The Urban Community in Restoration Scotland: Government, Society and Economy in Inverness, 1660-c.1688', *Northern Scotland*, 5 (2014), 26-49, 35-7.

<sup>38</sup> WCL, Clarke XLVI, Monck to Aldersey, 31 January 1656.

<sup>39</sup> *TSP*, vi, 306, Witter to Monck, 23 May 1657.

the locales to which they were posted, and that also made them useful sources of advice. Monck exploited this in 1655 by asking the soldier in charge of Blair Atholl, William Daniel, 'to consider and write his opinion' on the possible creation of a watch in that part of Perthshire, with specific reference to how big it would need to be, how far the local population would be willing to pay for it, and who might be appointed to lead it.<sup>40</sup> Colonel Fitch at Inverness received an even broader request for advice in the same year; he was asked for his thoughts on the terms of capitulation to be offered to the recently-rebellious Kenneth Mackenzie, earl of Seaforth, the possibility of allowing his followers to continue bearing arms, the best means of punishing 'evill doers' in his vicinity, and possible policies for 'preserveing the Cuntry people in those parts from robberies'.<sup>41</sup> Maintaining up-to-date information was a crucial facet of the Protectorate's peace-keeping ambitions, and its garrisons proved invaluable assets in this regard.

Security was not, however, the only function of the Protectoral garrisons, and many of their other roles suggest a far more dynamic relationship with the surrounding community than a simple 'military rule' model might imply.<sup>42</sup> Not least, they developed a significant facilitative role in tax-collection, an obligation made explicit, for example, in the commission issued in early 1654 to Captain James Emerson as governor of Duart, wherein he was enjoined to 'bee assisting unto such person or persons as shall bee imployed for the collecting and bringing in of the monthly sesse'.<sup>43</sup> Similar injunctions to other garrisons followed, for example to Inveraray for Argyllshire's cess in 1655, or to Inverlochy for the public dues of Lochaber, the isles and Inverness-shire in 1656.<sup>44</sup> Military assistance usually took the form of extracting free quarter, that is, forcing refractory individuals to host, and pay for the upkeep of, a body of soldiers. Free quarter could be an effective measure; experiencing it on Islay in 1656 was apparently enough to turn Hugh Campbell of Cawdor, previously sluggish in

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<sup>40</sup> WCL, Clarke XLVI, Monck to Daniel, 12 January 1655.

<sup>41</sup> WCL, Clarke XLVII, Monck to Fitch, 27 April 1655.

<sup>42</sup> The dynamism of the garrisons in terms of their interaction with surrounding communities is central to Scott Spurlock's analysis of how religious ideas and practices flowed between the English and the Scots in the 1650s. Spurlock, *Cromwell and Scotland*, 41-4. See also Kennedy, 'Civility, Order and the Highlands'.

<sup>43</sup> *S&P*, 66.

<sup>44</sup> WCL, Clarke XLVII, Monck to gentlemen of Argyll, 21 May 1655; *Ibid.*, Monck to Campfield, 10 May 1656.

paying his dues, into ‘a Man that will walke orderly’.<sup>45</sup> More importantly, however, quartering stood as a powerful threat. When Argyll in June 1658 chided his kinsman, John Campbell of Glenorchy, for cess deficiencies, he dwelt on the horribleness of the prospect:

Assure your self yow shall be given wp as a hinderer of the incomeing of the cesse and parties sent to yow onlie for the deficiencies of that paroch [Glenorchy] besides that yow may be looked on as a bringer of truble and losse wpoune the whole Schir for your willfull negligence.<sup>46</sup>

While free quarter was the primary revenue-collecting contribution of the garrisons, they occasionally intervened in other ways. In 1654, for example, the governors at Finlarig and Drummond were instructed to compel John Campbell of Edinample to pay £250 Sterling in outstanding dues by inhibiting his tenants from paying their rents.<sup>47</sup> Two years later, the garrison at Dunstaffnage was forced to become the *de facto* collector of the cess from Mull, receiving some £1,245 from the MacLeans in the absence of a designated official.<sup>48</sup>

Assisting with the collection of public dues might be written off as merely part of an extraction/coercion cycle, with soldiers uplifting money simply in order to fund their continued presence. There is some merit in this perspective, but it fails to account for the broader administrative remit developed by the garrisons. Commanders were often deployed to assess the losses suffered by local communities or individuals with a view to calculating what level of tax abatement they might be entitled to. In early 1655, for example, Finlarig’s Rowland Gascoigne was instructed to survey the losses suffered by John Buchanan of Buchanan, as a result of which Buchanan was awarded complete freedom from the assessment until 1 September that year.<sup>49</sup> A related duty was overseeing regional revaluations of assessment liabilities where deemed necessary, something required of Inverness’s Colonel Fitch for both Inverness-shire and Sutherland in 1655.<sup>50</sup> At other times, garrisons were

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<sup>45</sup> WCL, Clarke XLVII, Monck to Waller, 16 May 1656.

<sup>46</sup> NRS, Breadalbane Muniments, GD112/39/103/13, Argyll to Glenorchy, 7 June 1658.

<sup>47</sup> WCL, Clarke XLVI, Warrant to the governors of Finlarig and Drummond, 19 September 1654.

<sup>48</sup> WCL, Clarke XLVIII, Monck to Witter, 18 July 1656 and 24 July 1656.

<sup>49</sup> WCL, Clarke XLVI, Monck to Buchanan, 12 February 1655; WCL, Clarke XLVII, Monck’s order, 18 May 1655.

<sup>50</sup> WCL, Clarke XLVII, Warrant to Fitch and Blunt, 19 June 1655; *Ibid.*, Orders to Fitch, 21 June 1655.

responsible for licensing local people to carry arms (performed by the governor of Balloch for certain tenants on Tayside in 1654), and they were also frequently charged with escorting messengers in the delivery of legal letters (as was done by Witter against Neil Campbell of Kilmartin in 1659).<sup>51</sup> Indeed, there were few limits to the range of duties garrisons might be called upon to perform. In 1655, for example, the garrison at Ruthven was instructed to search for ‘a Bag-stone Horse’ that had recently been lost ‘by reason of the violenc of a greate Drift of Snowe’; in 1656 the soldiers at Inverness took the lead in attempting salvage a sunken Dutch ship off the coast of Tain; and also in 1656, Governor Jones of Braemar undertook to secure a local hawk aviary for the state’s use.<sup>52</sup> All of this suggests that, far from being simply peace-keeping and revenue-collecting outposts, the Cromwellian garrisons evolved into *de facto* agents of central government in the locality, becoming both the mouthpieces of the Protector and the primary point of interface between government and governed.

This more dynamic character was confirmed by the garrisons’ provision of arbitration services. James Dennis, governor of Balloch, undertook to settle a debt dispute between Robert Campbell of Glenlyon and Alexander Menzies of Comrie in March 1655.<sup>53</sup> William Daniel, in command of Perthshire’s minor Highland garrisons, arbitrated at least two disputes involving the MacGregors during the course of 1656 and 1657, the first related to ‘an old difference’ with the MacNabs, and the second rooted in a disagreement with Alexander Menzies of Weem over certain lands in Rannoch.<sup>54</sup> The best-known instance of Protectoral arbitration, however, concerned the feud between Ewan Cameron of Lochiel and Lachlan Mackintosh of Torcastle. The roots of this dispute, which centred on competing claims to possession of the Lochaber lands of Glenloy and Locharkaig, stretched back into the Middle Ages, but there was a fresh flare-up in 1655, after Lochiel submitted to the Protectorate following Glencairn’s Rising.<sup>55</sup> Monck tried twice to submit the dispute to arbitration, and on the second occasion, in 1657, he sought to ensure that ‘there may bee an End made of itt’ by

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<sup>51</sup> WCL, Clarke XLVI, Monck to Captain David, 4 October 1654; WCL, Clarke XLIX, f.25r, Order to Witter, 7 January 1659.

<sup>52</sup> WCL, Clarke XLVI, Mock to Hill, 7 February 1655; *TSP*, v, 25-6, Monck to Thurloe, 15 May 1656; WCL, Clarke XLVII, Monck to [Jones], 16 April 1656.

<sup>53</sup> WCL, Clarke XLVI, Monck to Dennis, 5 March 1655.

<sup>54</sup> WCL, Clarke XLVIII, Monck to Daniel, 19 September 1656 and 21 May 1657.

<sup>55</sup> A. Cathcart, *Kinship and Clientage: Highland Clanship 1451–1609* (Leiden, 2006), 145-9.

offering a mediation panel comprising himself, Argyll, and William Daniel, with latter being the chief judge.<sup>56</sup> In the event, Protectoral arbitration (if it ever actually took place) failed to settle the dispute, which would rumble on well into the Restoration.<sup>57</sup> Nonetheless, the Protectorate's offer of Colonel Daniel as head arbitrator reflected the possible utility of the garrisons as honest-brokers in the countless disputes and disagreements that were such a ubiquitous feature of Highland lordship.

Alongside working to settle disputes, the garrisons also tended to evolve some judicial functions. A formal system of criminal justice existed in Protectoral Scotland, one heavily inspired by English models and informed by a desire to subordinate the judicial system firmly to the republican government. Topped by a bench of seven Commissioners for the Administration of Justice, the system provided for a central court in Edinburgh, supplemented by periodic circuit courts in the localities. Sheriffs and, latterly, justices of the peace were similarly responsible for prosecuting crimes at the local level.<sup>58</sup> The garrisons, however, often stepped in to fill gaps. In December 1654, Inverness's governor, Thomas Fitch, was empowered to try any rebels or disaffected persons detected in Inverness-shire and Ross, and by the following year he was engaged in rounding up 'all Fellons, whores, or other idle persones' in the surrounding countryside and shipping them overseas to servitude in Barbados – it may have been in this capacity that Fitch's deputy, Blunt, was apparently 'keeping Courts in the Hills' around the same time.<sup>59</sup> The smaller Highland garrisons do not seem to have shared Inverness's power to conduct trials, but they were certainly involved in investigating crimes and catching suspected perpetrators. The soldiers at Bellachastle, for instance, were in May 1655 sharing their accommodation with a small herd of cattle they had confiscated from local thieves.<sup>60</sup>

Yet the garrisons' potential as providers of local law and order was most obviously demonstrated by the special case of Inverlochy, whose situation within Lochaber, long

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<sup>56</sup> NRS, Mackintosh Muniments, GD176/443/1, Monck to Torcastle, July 1657.

<sup>57</sup> Kennedy, *Governing Gaeldom*, 106-7.

<sup>58</sup> Dow, *Cromwellian Scotland*, 176-8; Smith 'Scotland and Cromwell'. The circuit courts penetrated into the Highlands at least once, in September 1655, when hearings at Inverness incorporated cases originating in Inverness-shire, Ross, Sutherland and Caithness. NRS, High Court: Circuit Books, 1655-6, JC10/10.

<sup>59</sup> WCL, Clarke XLVI, Order to Fitch, 14 December 1654; WCL, Clarke XLVII, Order to Fitch, 21 June 1655; *Ibid.*, Monck to Blunt, 26 June 1655; *S&P*, 298-300.

<sup>60</sup> WCL, Clarke XLVII, Monck to Fitch, 30 May 1655.

recognised as the most troublesome of Highland localities, caused it to develop unusually direct judicial power. In June 1655, the incoming governor, Colonel Brayne, was given authority not only to hunt down all those ‘suspected or accused to have committed any murder robbery or felony’, but also to try them in his courts martial, which would ordinarily only have allowed him to deal with transgressions committed by his own soldiers.<sup>61</sup> This was a preliminary to the disjoining of Lochaber from Inverness-shire and its erection as a discrete shire, which Inverlochy as its head town, something that was pressed by both Brayne and the heritors of Inverness-shire (within which Lochaber had traditionally lain) throughout 1655, and ultimately signed off the following year.<sup>62</sup> Though Brayne’s extraordinary jurisdiction lapsed thereafter, this situation still granted the governor of Inverlochy, as *ex officio* sheriff, substantial judicial responsibility. Thus, when a group of Lochaber bandits was accused of stealing various animals from the Forfarshire estates of James Grant, 1<sup>st</sup> earl of Airlie in 1657, Major Hill, Inverlochy’s last governor, was able to launch a substantial investigation that began in late 1658 and lasted until the Restoration, during which he personally oversaw the interrogation of the three suspected culprits and attempted to secure appropriate recompense for Airlie.<sup>63</sup>

### **Elite Co-operation**

The broad-based activities of its Highland garrisons, incorporating aspects of civil governance as well as basic peace-keeping, reflected their *de facto* position as universal agents of local government, which in turn was a function of the Protectorate being, in essence, a hostile occupying power. The resulting jumpiness, compounded by the memory of Glencairn’s rising, was never entirely overcome; in March 1658, for example, when reports were received that the destroyed fortifications at Duart had been clandestinely built up again, orders were issued not only for the house to be razed afresh, but also for the destruction of all cottages in the area, the clearance of the local population, and the confiscation of all boats on Loch Linnhe.<sup>64</sup> Yet the government also recognised that an excessively repressive posture

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<sup>61</sup> WCL, Clarke XLVII, Instructions to William Brayne, 6 June 1655.

<sup>62</sup> *Ibid.*, Monck to Brayne, 28 July 1655; *TSP*, iv, 129-30, Instructions to the Council of Scotland, 1655; *Ibid.*, 500, Broghill to Thurloe, 4 February 1656; D. Warrand (ed.), *More Culloden Papers*, 5 vols (Inverness, 1923–30), i, 124-9.

<sup>63</sup> NRS, Airlie Papers, GD16/41/379; Smith, ‘Scotland and Cromwell’, 160.

<sup>64</sup> WCL, Clarke XLVIII, Monck to Kelke, 3 March 1658.

was not conducive to long-term stability – as Monck suggested in October 1656, when responding cautiously to a reported Royalist conspiracy, behaving too harshly ‘might occasion more disturbance then Charles Stuart himselfe would bee able to make here’.<sup>65</sup> The regime, as a result, was always careful not to be unduly antagonistic.<sup>66</sup> In January 1655, Thomas Fitch, governor of Inverness, was ordered to forbear levying fines on parishes that had produced rebel recruits during Glencairn’s rising, extracting instead only so much as would pay for lost baggage horses. Instructions issued to the soldiers at Buchanan Castle in March 1656 stressed that they should occupy only the bare minimum of grazing land for their horses, so that ‘the Country bee not abused’. Captain Dennis of Balloch was told the following month to restrain those of his men accustomed to ‘stragle abroad very farre into the Country’, since this was ‘troublesome to the Country’. And in 1658, the governors of several Highland garrisons were requested only to extract modest amounts of money when quartering for tax deficiencies so as not to earn excessive resentment.<sup>67</sup> Injunctions of this kind reflected a regime conscious of its weak popular support, and concerned as a result not to be unnecessarily provocative.

While reining in its repressive potential, the Protectorate also made an effort to win friends by handing out rewards and favours.<sup>68</sup> Very occasionally this took the form of direct material rewards, as in 1657, when Argyll won a grant from the Council of State in London of 50% of the Scottish excise of wine and spirits, up to £3,000 per year, in settlement of expenditures in public service during the 1640s.<sup>69</sup> More usually, rewards came in three broad forms. Firstly, recognising that ‘nothing will encourage [people] more then their own particular advantage’, the government offered abatements of assessment dues.<sup>70</sup> Glenorchy did particularly well, winning a two-month remission of his cess dues in September 1654, freedom from any exactions on wasted lands in February 1655, and strong hints from Monck later that year that the collectors in both Argyll and Perthshire should be generous to him

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<sup>65</sup> *TSP*, v, 500, Monck to Thurloe, 18 October 1656.

<sup>66</sup> Dow, *Cromwellian Scotland*, 188.

<sup>67</sup> WCL, Clarke XLVI, Monck to Fitch, 3 January 1655; WCL, Clarke XLVII, Monck to Read, 17 March 1656; *Ibid.*, Monck to Dennis, 3 April 1655; WCL, Clarke XLVIII, Monck to governors, 15 January 1658.

<sup>68</sup> Dow, *Cromwellian Scotland*, 154-6; McCormack, ‘Highland Lawlessness’, 130-2.

<sup>69</sup> *CSPD*, x, 18, 107.

<sup>70</sup> *S&C*, 95.



when apportioning the abatement quotas of their shires.<sup>71</sup> Numerous others won similar abatements, including Thomas Stewart of Grandtully, James Campbell of Lawers, James MacDonald of Sleat, John Gordon, 13<sup>th</sup> earl of Sutherland, John MacDonald of Clanranald, Robert Gray of Arbo, Hugh Campbell of Lixhath and Lachlan Mackinnon of Strathodle.<sup>72</sup> Although the Protectorate was relatively liberal with these abatements, applicants had to be able to demonstrate a degree of loyalty first; thus, Torcastle was tersely informed early in 1655 that ‘the Generall can doe noething concerning his sess his losses being by the enemy to whom he is a friend’.<sup>73</sup>

Secondly, exemptions could be offered to the theoretical nation-wide ban on carrying arms. This privilege was sometimes offered as a means of enticing rebellious kindreds to abandon Glencairn’s rising, with Lochiel, Archibald Campbell, lord Lorne, and Alexander MacNaughton of Dunderave all being permitted to arm their followers for self-defence.<sup>74</sup> Otherwise, carrying weapons was restricted to ‘those who have done some service against the Enemy’.<sup>75</sup> John MacLeod of Drynach, for example, was permitted to outfit an armed escort for his cattle droves in January 1657, while James Grant of Freuchie won permission to arm his tenants for their own protection in February 1658.<sup>76</sup> On a much larger scale, Sleat, generally regarded as one of the Protectorate’s surest Highland allies, was allowed in 1656 to take possession on Skye of 100 guns and more than 220 swords.<sup>77</sup> Not all such grants were

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<sup>71</sup> WCL, Clarke XLVI, Monck’s order, 11 September 1654; *Ibid.*, Order to Robert Andrew, 21 February 1655; WCL, Clarke XLVII, Monck to Argyll, 12 June 1655; *Ibid.*, Monck to Pearson and Andrew, 11 September 1655.

<sup>72</sup> WCL, Clarke XLVI, Order to Robert Andrew, 19 October 1654; *Ibid.*, Warrant to Robert Andrew, 18 December 1654; *Ibid.*, Monck to Dundas, 13 January 1655; *Ibid.*, Order to John Crawford, 8 March 1655; *Ibid.*, Monck’s order, 3 April 1655; WCL, Clarke XLVII, Monck’s order, 7 March 1656; WCL, Clarke XLVIII, Monck to Sleat, 18 July 1656; *Ibid.*, Monck to Daniel, 30 September 1656.

<sup>73</sup> WCL, Clarke XLVI, Monck to Torcastle, 17 February 1655. Monck had apparently softened by late July, when he authorised Torcastle to receive an abatement at Blunt’s discretions. WCL, Clarke XLVII, Monck to Blunt, 27 July 1655.

<sup>74</sup> *S&P*, 269-78. This was not always the case; the capitulation agreements of Atholl, Seaforth, Reay and Dunvegan made no mention of retaining arms. *S&P*, 158-61, 234-7, 280-2, 285-8.

<sup>75</sup> WCL, Clarke XLVI, Monck to Buchanan, 12 February 1655.

<sup>76</sup> WCL, Clarke XLVIII, Monck’s order, 29 January 1657; W. Fraser (ed.), *The Chiefs of Grant of Grant*, 3 vols (Edinburgh, 1883), iii, 244.

<sup>77</sup> WCL, Clarke XLVII, Monck’s pass, 25 April 1656.

for military purposes, however; George Sinclair, 6<sup>th</sup> earl of Caithness in the spring of 1655 secured a pass to carry two fowling pieces so he could enjoy some hunting!<sup>78</sup>

The third broad class of reward offered by the Protectorate was immunity from legal actions. Lochiel is generally portrayed as the biggest recipient of Protectoral largesse in this regard, since Monck repeatedly stepped in to shield him from potentially damaging prosecutions rooted both in his feud with Torcastle and in his actions while in rebellion.<sup>79</sup> But Lochiel was not alone. In July 1655, Monck heartily endorsed a petition from John Campbell, younger of Glenorchy, for protection from pursuit by his creditors, commenting that he had ‘suffered so much for our cause’.<sup>80</sup> The following month, Monck assured Glengarry that he would endeavour to suppress law suits laid against him for *ante bellum* actions, promising further that, if Glengarry proved loyal and was active in suppressing robbery, he would intercede directly with both local and national judges to suppress all vexatious lawsuits.<sup>81</sup> John MacLeod of Drynach enjoyed a slightly different form of intercession in January 1657, when Monck wrote directly to the commissioners for the administration of justice to request that they give more time for Drynach to testify in various lawsuits then proceeding against him, and that no judgements be rendered until Drynach had done so – an invitation, surely, for him to stymie the cases by simply staying away.<sup>82</sup>

If the Protectorate recognised a need to conciliate as well as cajole, it also realised that it needed the assistance of regional grandees to make government function at all.<sup>83</sup> Writing to

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<sup>78</sup> WCL, Clarke XLVI, Pass to Caithness, 3 April 1655.

<sup>79</sup> McCormack, ‘Highland Lawlessness’, 131; James Drummond, *Memoirs of Sir Ewen Cameron of Locheill* ed.J. Macknight, (Edinburgh, 1824), 151, 159-60.

<sup>80</sup> NRS, GD112/39/100/5, Monck to judges, 20 July 1655.

<sup>81</sup> WCL, Clarke XLVII, Monck to Glengarry, 2 August 1655.

<sup>82</sup> *Ibid.*, Monck to judges, 14 January 1657.

<sup>83</sup> This is a significant theme in the important unpublished historiography of Scotland in the 1650s. In the judicial system, there were very strong continuities of both personnel and practice between the pre- and post-1651 periods, particularly from about 1654 onwards, as explored in Smith, ‘Cromwell and Scotland’. The process by which the Commonwealth sought to integrate Scottish landholders into its structures of government, and the reasons for this approach, are assessed in detail in Menarry, ‘Irish and Scottish Landed Elites’. A similar pattern has been uncovered for the burghs, where established urban oligarchies generally remained in power, performing their accustomed duties in urban administration. Gillanders, ‘Scottish Burghs’, 256-302.

Fitch in June 1655, Monck was blunt about this dependence in terms of achieving his core aim of discouraging theft:

Much damage doth happen to the Country by the driving away of their Cattell and other goods by certaine Catherines, Theeves and Robbers who cannott soe well be aprehended or the goods recovered unlesse power bee given to some Cheifs of Clans to pursue them out of their Bounds, and joyne with others in the following of them.<sup>84</sup>

Office-holding patterns neatly encapsulated the Protectorate's simultaneous reliance on repression and cooperation. Local offices were liberally sprinkled with English soldiers. Army officers appeared on all the surviving lists of new justices of the peace appointed in early 1656, including Joseph Witter, the governor of Dunstaffnage, for Argyll, and Major Miles Mann for Sutherland.<sup>85</sup> The same was true when new commissioners of assessment were named in 1657 (Mann, for example, was appointed for Cromartyshire, Inverness-shire, Ross and Sutherland), while the collectors of assessment active since 1654 included Captain Lawrence Dundas in Caithness, Cromartyshire and Inverness-shire.<sup>86</sup> The pattern found its most striking expression, of course, in the elevation of Inverlochy's governors to the short-lived sheriffship of Lochaber – something that may have been foreshadowed in another notorious trouble-spot, since John Hill, then governor of Ruthven, was described as 'sheriff of Badgenoth' in October 1655.<sup>87</sup>

But office-holding patterns, as elsewhere in Scotland, also spoke of willingness to work with 'persons of the best quality in the shires' who were 'fitt and willing' to hold office.<sup>88</sup> It has been suggested that, in the Highlands specifically, the Protectorate chose to work with second-tier social elites, rather than chiefs or *fine*, in a deliberate attempt to destabilise the clan system.<sup>89</sup> Monck certainly toyed with this idea, but in practice the government tended to rely on existing luminaries.<sup>90</sup> The sheriffs appointed in Caithness

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<sup>84</sup> WCL, Clarke XLVII, Monck to Fitch, 21 June 1655.

<sup>85</sup> *S&P*, 309-10, 316.

<sup>86</sup> C.H. Firth and R.S. Rait (eds.), *Acts and Ordinances of the Interregnum*, 3 vols (London, 1911), 11, 1145-56; WCL, Clarke XLIII, f.214r-v.

<sup>87</sup> WCL, Clarke XLVII, Monck to Hill, 30 October 1655.

<sup>88</sup> WCL, Clarke XLVII, Monck to Mann, 20 June 1656; Dow, *Cromwellian Scotland*, 180.

<sup>89</sup> McCormack, 'Highland Lawlessness', 130-1.

<sup>90</sup> *S&P*, 98.

(William Sinclair of Mey), Sutherland (George Gordon, lord Strathnaver) and Ross (Robert Munro of Foulis) in the course of 1656-7 were all local men of significant social standing, and by this date at least one other regional grandee – Kenneth Mackenzie of Coull – was already serving as sheriff of Inverness.<sup>91</sup> Earlier, in 1654, Sleat had been appointed to exercise shrieval functions in Skye and its adjoining islands.<sup>92</sup> Joseph Witter was joined as an Argyll justice of the peace by thirty members of the Campbell kindred, representing more than 50% of appointees, with most of the remainder being members of other locally prominent clans, especially the MacLeans. Sutherland's bench, meanwhile, was dominated by members of the Gordon, Gray and Sutherland kindreds, with room also for the provost of Dornoch, Thomas Manson. Similarly, the 1657 commission of assessment included not just many important local lairds, but also regionally-dominant aristocrats, such as Alexander Stuart, earl of Moray in Inverness-shire, Caithness in Caithness, and Sutherland in Sutherland. The continuing presence of English officials, especially soldiers, in local offices may well have ensured that no fully 'civilian' government ever emerged and that supervision by the army remained tight, but the Protectorate's partial replication of accustomed magisterial patterns nonetheless suggests that it was willing to govern in co-operation with native power structures.

However, the importance of traditional regional elites to Protectoral governance was demonstrated less by formal office-holding than by *ad hoc* co-operation. The most prominent of these informal allies was Argyll, whose conventional position as a virtual viceroy in the south-western Highlands survived the Cromwellian conquest.<sup>93</sup> He continued to act at the government's primary point of contact in this region; it was through him, for example, that Monck warned the gentlemen of Argyllshire in April 1655 not to harbour Lorne and Dunderave, who remained at large following Glencairn's rising.<sup>94</sup> Argyll performed a number of administrative duties in this capacity, for example being put in charge of uplifting Argyllshire's cess in November 1654 (to the extent of naming all the collectors), and being

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<sup>91</sup> *S&P*, 316-7; WCL, Clarke XLVI, Warrant to Kenneth Mackenzie of Coull, 27 April 1655.

<sup>92</sup> WCL, Clarke Mss, XLV, Abstracts of warrants, orders and passes, 1653-4, no pagination, Monck to judges, 15 August 1654.

<sup>93</sup> On Argyll's relations with the Cromwellian regime, see A.I. Macinnes, *The British Confederate: Archibald Campbell, Marquess of Argyll, c.1607-1661* (Edinburgh, 2010), 259-88.

<sup>94</sup> WCL, Clarke XLVI, Monck to Argyll, 6 April 1655.

charged with providing supplies to the garrison at Dunstaffnage the following summer.<sup>95</sup> A concerted effort on the part of Broghill to curtail Argyll's local influence ensured that the marquis was not quite so prominent in the later 1650s and he had been earlier in the decade, but his experience was nonetheless indicative of a wider pattern of relying on regional elites.<sup>96</sup> Often this took the form of involving them in tax-collecting, generally by pursuing outstanding dues; Seaforth in February 1657 was requested to use his influence to see that the excise was properly paid on the island of Lewis.<sup>97</sup> Even more suggestive of magisterial co-operation, local elites were sometimes asked to help in conducting revaluations of shire cess dues. Fitch's revaluations in Inverness-shire, Ross and Sutherland in 1655 were for example to be conducted using panels of 'the Gentlemen of the said respective shires or places' – although admittedly, the fact that Major Hill was ordered in November 1656 to oversee a revaluation of southern and western Inverness-shire using neighbouring gentlemen, rather than those directly concerned, suggests that there were limits to the usefulness of this approach.<sup>98</sup>

Aside from bolstering the tax regimen, there were a number of other duties that might be delegated to, or performed in concert with, regional elites. Garrison-led arbitration often involved their input, so that Daniel's efforts to affect a settlement between the MacGregors and MacNabs in 1656 were supported by Lawers.<sup>99</sup> In other cases, arbitration was entirely outsourced. When a dispute arose between Roderick MacLeod of Dunvegan and his grandmother over their respective cess liabilities, the matter was remitted for settlement to three local men, Glengarry, Sleat, and Rory MacLeod of Talisker.<sup>100</sup> Various miscellaneous duties might also be entrusted to provincial grandees. In September 1656, Lord Strathnaver was ordered to 'take into his care and charge all such Armes as by a late order from Major Generall Morgan were to be delivered by the people of Sutherland into Sinclair Castle',

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<sup>95</sup> *Ibid.*, Monck to gentlemen of Argyll, 16 November 1654; WCL, Clarke XLVII, Monck to Brayne, 20 June 1655 and 10 August 1655.

<sup>96</sup> P. Little, *Lord Broghill and the Cromwellian Union with Ireland and Scotland* (Woodbridge, 2004), 117-8

<sup>97</sup> WCL, Clarke XLVIII, Monck to Seaforth, 14 February 1657.

<sup>98</sup> WCL, Clarke XLVII, Order to Fitch, 21 June 1655; WCL, Clarke XLVIII, Monck to Hill, 15 November 1656.

<sup>99</sup> WCL, Clarke XLVIII, Monck to Daniel, 19 September 1656.

<sup>100</sup> WCL, Clarke XLIX, Commission to Sleat, Glengarry and Talisker, 22 October 1658.

which arms he was to store at Dunrobin Castle until further order.<sup>101</sup> Towards the end of 1659, the Laird of Buchanan was seconded in a slightly different way when he was asked to ‘secure all the Boates about Lough Catron’, presumably as a measure against cattle-raiding.<sup>102</sup>

On a somewhat larger scale, the Protectorate made consistent efforts to tap into local military resources, sometimes in order to supplement insufficient governmental provision; thus, at the end of 1654, Monck was forced to tell the gentlemen of Caithness and Sutherland to organise and supply their own defensive forces against possible Royalist incursions, since public resources – save for the resident garrisons – were unavailable.<sup>103</sup> Usually, however, attempts to harness private military capacities were more focused. In some cases, local elites were encouraged to sponsor supplementary garrisons, as in November 1654, when Sleat was authorised to invest his house at ‘Cultalend’ with as many of his own men as he saw fit.<sup>104</sup> Similarly, the Campbells of Glenorchy enjoyed an allowance of 6d per day for garrisoning Castle Kilchurn with twelve men between October 1654 and February 1655, and were later charged with garrisoning Balloch Castle, while Seaforth was given leave to place a garrison in his house at Eilean Donan in April 1655.<sup>105</sup> Private manpower might also be employed for other purposes. Glenorchy and Lawers, of instance, were requested in November 1654 to provide auxiliary forces for apprehending rebels belonging to Clan MacNab.

The most common utilisation of private military capacities, however, was in the form of armed watches. These permitted named individuals to muster a small group of men with a view to guarding specified locales against robbers or, in some cases, rebels. One of these commissions, granted in December 1654 to the MacGregor chief, Patrick Roy, and covering both Perthshire and Stirlingshire, gives a sense of what armed watches involved:

Patrick Roye MacGriggor hath vndertaken to doe his endeavour for the quiet and peace of the Cuntry That he be authorized with the men armed under his command to persue subdue or apprehend any of the enemy or robbers of the Cuntry that hee shall

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<sup>101</sup> WCL, Clarke XLVIII, Order to Strathnaver, 17 September 1656.

<sup>102</sup> WCL, Clarke XLIX, 104v, Order to Buchanan, 19 December 1659.

<sup>103</sup> WCL, Clarke XLVI, Monck to Overton, 8 December 1654.

<sup>104</sup> WCL, Clarke XLVI, Warrant to Sir James Campbell, 15 November 1654.

<sup>105</sup> *Ibid.*, Monck’s order, 20 October 1654; Order to Robert Andrew, 20 February 1655; *Ibid.*, Monck to Seaforth, 18 April 1655; WCL, Clarke XLVIII, Monck to Dennis, 20 August 1658.

have notice of And the officers in Chief Commanding the Garrisons at Cardross Ballintore and Downe Castle are from time to time to bee assisting to the said Patrick Roye MacGriggor.<sup>106</sup>

MacGregor's watch operated alongside another, established less than a month later under one 'Lieutenant Colonel MacGregor', which Monck permitted to operate simultaneously in Perthshire in consideration of 'the largenes of the shire'.<sup>107</sup> These were neither the first nor the last armed watches in and around the Highlands. In 1654, a scheme was mooted for establishing one to cover all of Ross, Inverness-shire and Nairnshire, and although this seems to have been abortive, by 1660 others had been planned or implemented in Angus, Blair Atholl, Badenoch, Lochaber, Strathspey, Kirkmichael, Breadalbane, Callander, Drummond, Grandtully, Aberfoyle, Killachie and Balloch, all outfitted entirely using private resources, although occasionally the government offered tax-breaks as an incentive.<sup>108</sup> Highland elites were well-known for their maintenance of armed retinues and access to substantial military resources, and the Protectorate's efforts to exploit this for its own purposes reflected its willingness to work alongside pre-existing power structures.<sup>109</sup> Perhaps more importantly, watches were often a product of local initiative as much as government policy, something demonstrated by a petition lodged around 1656 by Clan Chattan, explaining why they wanted to establish a watch on their lands to the south of Inverness:

Upon report of our being disarmed, severall small pairties of the hylanders did assaile our boundes and doe continually (since that tyme) by night and day robbe, steal, and tak away your Supplicants horsses, cowes and other goods, so as wee may not subsist,

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<sup>106</sup> WCL, Clarke XLVI, Warrant to Patrick Roy MacGregor, 18 December 1654.

<sup>107</sup> *Ibid.*, Monck's certificate, 16 January 1655.

<sup>108</sup> WCL, Clarke LXV, Monck's order, 5 July 1654; WCL, Clarke XLVI, Monck to David, 4 October 1654; *Ibid.*, Order to Alexander Wedderburn, 1 November 1654; *Ibid.*, Orders to Hill and Brayne, 2 November 1654; *Ibid.*, Order to Robert Andrew, 17 November 1654; *Ibid.*, Monck's order, 22 November 1654; *Ibid.*, Monck to Daniel, 12 January 1655; *Ibid.*, Pass to Captain Buchanan, 14 February 1655; *Ibid.*, Monck's order, 15 February 1655; Order to Thomas Stewart, 23 February 1655; WCL, Clarke XLVII, Monck to Reade, 2 July 1655; WCL, Clarke XLVIII, Warrant to William Mackintosh, 4 October 1656.

<sup>109</sup> McCormack, 'Highland Lawlessness', 119-21.

but of necessity must quyt our labouring without som speedy course be taken for our preservation.<sup>110</sup>

Here was a purely local agenda that had little to do with reasons of state, but which nonetheless spoke to the government's broader aims. The exploitation of private military resources, therefore, not only advantaged the Protectorate in terms of boosting its reach and manpower, but also offered local elites official blessing to take robust measures in protection of their own interests. Republican militarism, in this regard, was a rather more symbiotic construct than might be supposed.

Nowhere was the centrality of regional elites to the Protectorate's governing strategies more obvious than in its campaign to root out thieves and bandits. An anonymous memorandum, prepared in the mid- to late-1650s, set out their expected role clearly. While stressing the need to maintain strong garrisons under impartial commanders, particularly at Inverlochy, the memorandum recommended making all landlords and chiefs give bonds of caution for the peaceable behaviour of their dependents. At the same time, landlords and their dependents should be compelled to 'give in a lyst vpon oath of all such louse and broken men as they know and deserves liv there'.<sup>111</sup> This approach, designed not only to co-opt for state purposes the structures of clanship and social hierarchy, but also to smoke out criminal elements, had been pioneered by James VI in 1587, and it represented a means of adapting magisterial patterns of governance to the peculiar socio-political circumstances of the Highland periphery.<sup>112</sup> Robert Lilburne advocated resurrecting bonding as a general policy, and even attempted to revive James's statute in 1653, but this seems to have had little effect.<sup>113</sup> Instead, bonding came to be used in a more circumspect manner. Many of those clan chiefs who had been involved in Glencairn's rising were compelled upon their capitulation to issue bonds, ranging in value from £1,000 to £6,000 Sterling, among them Lochiel, Lorne, Dunderave, Dunvegan, Seaforth, Donald Mackay, lord Reay and John

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<sup>110</sup> NRS, GD176/443/30.

<sup>111</sup> NRS, GD176/451.

<sup>112</sup> Goodare, *Government of Scotland*, 223-4; J. Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), 266-7; M. Lynch, 'James VI and the "Highland Problem"' in J. Goodare and M. Lynch (eds.), *The Reign of James VI* (East Linton, 2000), 208-27, 212.

<sup>113</sup> S&C, 148-50, Lilburne to Cromwell, 21 June 1653; *By the Commissioners appointed for Administration of Justice to the People of Scotland* (Leith, 1653)



Murray, earl of Atholl.<sup>114</sup> Argyll's earlier capitulation in 1652 had included a similar undertaking.<sup>115</sup> The government proved perfectly willing to invoke these obligations, as for example in October 1656, when Lochiel was pointedly reminded of his accountability for several thieves accused of stealing livestock from John Forbes of Culloden.<sup>116</sup> Even in the absence of formal bonds, the broad concept of landlord responsibility was one on which the Protectoral authorities frequently fell back, and it clearly underpinned Monck's orders in August 1656 that, in light of 'seuerall Roberies lately committed in the Highlands', clan chiefs in the Lochaber area were to be compelled on pain of having their good confiscated to 'produce the Men, or to give satisfaccion' – an expedient, Monck confidently predicted, that would make them 'leave off Theeving'.<sup>117</sup>

But it was not just through bonding that clan elites played a key role in curbing banditry. Often their broader collusion as thief-catchers was required, and this could take many forms. In March 1655, Monck told William Graham, 1<sup>st</sup> earl of Airth that he and his tenants were expected to intercept robbers attempting to transport stolen livestock through their lands; three months later, the 'Cheifs of Clan' surrounding Inverness's garrison were authorised to 'gather their Clans in such numbers and for soe longe time as shall bee necessary' to apprehend local 'Catherines, Theeves and Robbers'; and in July 1656, Alexander MacDonald, tutor of Keppoch undertook to recover livestock stolen out of the parish of Dull by a robber named Donald McRaynold vcAlister.<sup>118</sup> This kind of co-operation was possible because banditry was as problematic for many clan elites as it was for the state, and it allowed the Protectorate to tap into vital local knowledge.<sup>119</sup> That was an especially important consideration when a language barrier was involved; in early 1659, for example, Hill had to rely on the co-operation of two lairds 'haueing the Irish Tongue' – Lochiel and John Maclean of Ardgour – in order to secure confessions from three suspected bandits.<sup>120</sup> In the republic's tumultuous final phase following the death of Oliver Cromwell, this reliance on

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<sup>114</sup> *S&P*, 158-61, 234-7, 269-82, 285-8.

<sup>115</sup> *S&C*, 48-50.

<sup>116</sup> WCL, Clarke XLVIII, Monck to Read, 4 October 1656.

<sup>117</sup> *Ibid.*, Monck to Cotterell, 12 August 1656.

<sup>118</sup> WCL, Clarke XLVI, Monck to Airth, 30 March 1655; WCL, Clarke XLVII, Orders to Fitch, 21 June 1655; WCL, Clarke XLVIII, Order to Cotterell, 5 July 1656.

<sup>119</sup> A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton, 1996), 125-6.

<sup>120</sup> NRS, GD16/41/379, Hill to Airlie, 4 August 1659.

clan elites became even more pronounced. In September 1658, reports of an eighteen-strong bandit gang roaming the hills were met with a request that the clan chiefs in whose bounds they were believed to be hiding – Lochiel, Dunderave and Alastair MacDonald of Glencoe – ‘indeavour to call for those Men and that the Men give securitie for their peaceable living, or else to apprehend them’, which would be accounted ‘an acceptable service’ to the state. Atholl, Lawers, Glenorchy and all the ‘Gentlemen’ of the region were likewise exhorted to offer assistance, a wholesale delegation to local elites which, conspicuously, restricted the role of the hitherto hyperactive garrisons to passing along the message.<sup>121</sup> Just over a year later, the government responded to fresh intelligence that ‘some of the Laird of Glengaries Clan are broken out in Armes, and have robd and spoyld divers of the Country people’ by asking Lochiel and Connage to suppress the unrest.<sup>122</sup>

Of course, relying on social elites to catch and punish thieves left the government at the mercy of chiefs’ individual zeal, a problem that bedevilled James VI’s bonding policies as much as it did later iterations under Charles II, James VII and William II.<sup>123</sup> Here, the army gave the Protectorate an obvious trump card, as Monck, writing to Major Hill in October 1656, made brutally clear:

His Lordshippe likewise vnderstands That there are some Thefts committed about him [Hill] which hee desires he will inquire into, and to see them punished, and to bee very round with the Heads of Clans about itt, and to lett them know That if they doe nott answer any injury their people does his Lordshippe will send a party vppon them and destroy them.<sup>124</sup>

Monck could make such threats with more credibility than any of the Stuart kings, and in doing so he undoubtedly underlined the fundamentally coercive nature of Protectoral rule in the Highlands. Simultaneously, however, using the threat of the army to enforce landlord accountability tacitly confirmed that there was an important civilian element to republican

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<sup>121</sup> WCL, Clarke XLIX, f.5v, Monck to governors, 18 September 1658.

<sup>122</sup> *Ibid.*, f.104v, Orders to Hill, 12 November 1659.

<sup>123</sup> On post-Restoration use of bonding, see Kennedy, *Governing Gaeldom*, 187-93; A. Kennedy, ‘Managing the Early-Modern Periphery: Highland Policy and the Highland Judicial Commission, c.1692-c.1705, *Scottish Historical Review*, 96:1 (2017), 32-60.

<sup>124</sup> WCL, Clarke XLVIII, Monck to Hill, 4 October 1656.

governance. Force underpinned Cromwellian control in the Highlands, but in its day-to-day workings the government utilised a rather broader and more co-operative range of strategies.

## **Conclusion**

The slipperiness of ‘military rule’ as a conceptual framework of government should alert historians to the inadequacy of describing Commonwealth and Protectoral Scotland in these terms. From the point of view of the Highlands, whose direct experience of English militarism was more extensive than that of the rest of Scotland, it is certainly true that control was exercised, fundamentally, by the army. An extensive network of garrisons housed a large complement of troops, giving the English army (especially in the southern, central and western Highlands) a multiplicity of bases from which to conduct punitive actions in line with its overriding aim of promoting peace and security. Yet these same garrisons evolved significant ancillary functions that inevitably drew them deeper into the surrounding communities, whether by collecting public dues, offering administrative services, arbitrating disputes, or prosecuting criminals. The garrisons, in short, were not merely centres of control and repression; they were also the dominant nodes of regional government, fulfilling an array of functions that made the Protectorate an active partner in local communities.

The persistence of magisterial patterns of control underlines this sense that repression was complemented by co-operation. Although judicial and financial offices, including sheriffships, justiceships of the peace, and commissionerships of assessment, were all to some extent subordinated to military leadership, the fact that pre-existing local elites were invariably called upon to serve (so long as they were deemed reliable) demonstrates that the English regime had no interest, even in the Highlands, in parachuting in an alien administrative caste. Similarly, the Protectorate’s anxiety to win or cement loyalty through doling out rewards, combined with the vital informal role played by clan and facility elites across a range of administrative, military and judicial duties, is a reminder that the army and its garrisons were just part of a wider governing coalition – they were the dominant party, to be sure, but they still governed, as far as possible, by consensus.

All of this is suggestive for historians’ wider understanding of the republican period, both in Scotland and more generally. Although, on the surface, Highland governance looked different during the 1650s, in practice much remained consistent: local elites stayed largely in place; they continued to supply the majority of the local bureaucracy; they maintained much of the political dominance that flowed from social leadership; and central government functioned largely by adopting a managerial posture towards them. All of this was virtually

identical to the situation arrived at by James VI as a result of his attempts to increase state control in the Highlands from the 1580s, and indeed it was closely analogous to the contours of post-Restoration Highland policy as well.<sup>125</sup> The difference, of course, was that central government enjoyed a much heavier and more powerful presence during the Protectorate than it did under previous or succeeding Stuart kings, allowing for a more even balance between ruler and ruled. But when Hill boasted in 1656 that the Protectorate had succeeded in pacifying the Highlands more completely than ever before, his note that this had been achieved in concert with locally-appointed justices of the peace implicitly conceded that it had done so more by tweaking the governing model inherited from James VI and Charles I, rather than by replacing it.<sup>126</sup> As a consequence, the radical conservative reaction engineered by Charles II's first Scottish Parliament (1661-3) may not in fact have been quite so radical; returning to *ante bellum* governing models, in the Highlands at least, necessitated preserving rather a lot of the Protectoral settlement.<sup>127</sup> These suggestions flow from a geographically restrictive study, but they nevertheless suggest that the received parenthetical view of the Cromwellian period, particularly in Scotland, might serve to mask significant continuities that deserve to be reintegrated into wider historical understanding.

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<sup>125</sup> For some of the most important discussions of Highland governance throughout the seventeenth century, see Goodare, *Government of Scotland*, chpt. 10; Macinnes, *Clanship*; D. Stevenson, *Highland Warrior: Alasdair MacColla and the Civil Wars* (East Linton, 2002); Kennedy, *Governing Gaeldom*.

<sup>126</sup> *S&P*, 321.

<sup>127</sup> This chimes with Lesley Smith's argument that the Protectorate's approach to Scottish government was so conservative as to mean that the Restoration effectively began around 1654-5. Smith, 'Scotland and Cromwell', 260.